IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

CRP.No. 83 of 2003()

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TLB.664/1973 of T.L.B.,MANANTHODY

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REVN. PETITIONER: RESPONDENT

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STATE OF KERALA.

BY GOVERNMENT PLEADER SRI. K.G. BHASKAR

RESPONDENT: PETITIONER

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SMT.P.T.BHARATHY AKKAMMA,
VAZHAMPAD HOUSE, PANAMARAM VILLAGE,
KUPPATHODE DESOM, P.O.NEERVARAM.

BY ADV. SRI.T.A.RAMADASAN

THIS CIVIL REVISION PETITION HAVING COME UJP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**M.N.Krishnan, J.**

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**C.R.P.No.83 of 2003**

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**Dated this the 24th day of September, 2007.**

**ORDER**

Heard both sides.

2. Learned Government Pleader very strongly contends that the order of the Taluk Land Board is not supported by materials and therefore, it requires interference. This was a matter reopened by the Taluk Land Board under Section 85(9A) of the Kerala Land Reforms Act. It pre-supposes that on an earlier occasion itself the Taluk Land Board was satisfied with the ground of exemption. The Taluk Land Board had considered the extent of 7.58 acres, that is, 5 acres in R.S.No.559/1B and 1.58 acres in R.S.No.420 and 1 acre in R.S.No.418/2. The Authorised Officer, who had inspected the property and conducted an enquiry, has reported that the coffee plantations are aged about 40 years in the land comprised in R.S.No.559/1 and R.S.No.418/2 and there is a registration certificate No.2207/64 with respect to the other properties. When the Authorised Officer functioning under the

statute inspects the property and submits a report under Section 105 of the Kerala Land Reforms Act, it has got its own evidentiary value and it cannot be simply rejected on mere conjectures and surmises. The coffee plantations are reported to be aged more than 40 years. It is crystal clear that even prior to the notified date of 1.4.1964 or 15.9.1963, as the case may be, the plantation was in existence and therefore, the provisions of the Kerala Land Reforms Act regarding ceiling cannot be extended to that area and therefore, it was an order which was passed strictly in accordance with law and that does not require any interference.

Therefore, Civil Revision Petition lacks merits and it is dismissed.

M.N.Krishnan,
Judge.

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